

D22 – Report of technical workshop

1st Technical workshop “Governance and administrative
frameworks on implementation”



ACKNOWLEDGEMENT

The work described in this report was supported by the European Maritime and Fisheries Fund of the European Union- through the Grant Agreement number 887390 - MSPMED - EMFF-MSP-2019, corresponding to the Call for proposal Call EMFF-MSP-2019 (Maritime Spatial Planning) Topic: EMFF-MSP-2019 Type of action: EMFF-AG for Projects on Maritime Spatial Planning (MSP).

DISCLAIMER

The content of this report represents the views of the author only and is his/her sole responsibility; it cannot be considered to reflect the views of the European Commission and/or the Executive Agency for Small and Medium-sized Enterprises (EASME) or any other body of the European Union. The European Commission and the Agency do not accept any responsibility for use that may be made of the information it contains.



Co-funded by the European
Maritime and Fisheries Fund

Project Full Title	Towards the operational implementation of MSP in our common Mediterranean Sea
Project Acronym	MSP-MED
Gant Agreement Nr.	887390
Project Website	www.mspmed.eu

Deliverable Nr.	D22
Status (Final/Draft/Revised)	Final
Work Package	WP2 – Setting-up Maritime Spatial Plans
Task Number	2.7 – Sharing experiences among countries
Responsible Institute	CORILA
Author/s	Niccolò Bassan, Michelle Borg, Neil Alloncle
Infographics	Folco Soffietti
Recommended Citation	
Dissemination Level (Public/Partnership)	Public

Document History			
Version	Date	Modification Introduced	
		Modification Reason	Modified by
1	24/07/2020		
2	03/08/2020	Corrections	Laura Cotte, Efi Stefani, Michelle Borg, Neil Alloncle



INDEX

1. Introduction.....	5
What is meant as “Governance”?	5
Why is important to tackle this topic?	5
Which are the objectives of this first technical workshop?	6
What should be addressed during this first technical workshop?.....	6
2. Participants	7
3. Main topics identified	8
Planning frameworks and planning instruments structure of each country (typology, contents, spatial approach, scale)	8
Governance frameworks of each country	8
Strategic Environmental Assessment (SEA) procedures of each country	9
4. The Workshop	9
4.1 Planning frameworks and planning instruments structure of each country (typology, contents, spatial approach, scale)	10
4.2 Governance frameworks of each country	19
4.3 Strategic Environmental Assessment (SEA) procedures of each country.....	25
5. References.....	32

1. Introduction

What is meant as “Governance”?

Regarding territorial governance, the Council of Europe Conference of Ministers responsible for Spatial/Regional Planning (CEMAT) defines it as “a global concept which characterizes the way spatially-relevant policies, considered together, are applied” (CEMAT, 2007). In this definition, the concept of territorial governance embodies, the definition of borders, the way that territories are governed, the definition of patterns of cooperation and collaboration both between governmental and non-governmental actors and between levels of government.

The purpose and objectives of marine governance are similar, i.e. to involve all competent authorities and stakeholders in maritime spatial planning procedures, in a meaningful way (Kraan et al. 2014). According to Van Tatenhove (2011), marine governance is defined as “the sharing of policy-making competencies in a system of negotiation between nested governmental institutions at several levels (international, supranational, sub-national) on the one hand and state actors, market parties and civil society organizations of different maritime activities on the other in order to govern activities at sea and their consequences”.

Multi-level governance is a term used to describe the way power is spread vertically between many levels of government and horizontally across multiple quasi-government and non-governmental organizations and actors. In the case of Maritime Spatial Planning in the Mediterranean Region the multi-level governance comprises at least 3 different dimensions: transnational/European (RSC, GFCM, Barcelona Convention etc.); national (different administrative levels) and intersectoral.

Why is important to tackle this topic?

Knowing and understanding the other countries' MSP-related governance systems and approaches to marine planning is crucial. It is important to recognise that MSP authorities develop their plans in a variety of ways, reflecting the different National legal provisions and the varying traditions of planning from country to country in the Mediterranean. MSP authorities should be aware of the differences of approaches and organisational structures that may exist between neighbouring countries. In particular, a shared understanding of the arrangements in place could help to build effective communication and collaboration strategies between countries. Moreover, the mutual understanding of any MSP concerns or existing marine plans provisions among neighbouring countries could help in defining the issues to be tackled to support sustainable development of the marine regions and address current or avoid future conflicts. These issues could become the topics of formal consultations between competent authorities.

In addition, the existing mismatch in timelines of MSP processes among countries can contribute to difficulties in communication and collaboration, as, for instance, in providing adequate input on certain issues. An understanding of these multiple timelines can be gained by conducting, for example, a timeline exercise “to compare different phases of MSP across

countries and identify opportunities for formal and informal consultation, while bearing in mind resource availability on both sides” (Waldmann et al. 2018).

Cross-border MSP cooperation projects provide an opportunity to identify and conduct informal investigation on key issues, prior to or in parallel with, formal consultation. This is important especially for understanding the drivers behind uses and activities in a neighbouring country’s maritime space, in particular for including a future-oriented perspective. These projects also allow other countries to let their neighbours know what their specific issues are in an informal setting, outside of formal consultation. This could be also the occasion for tackling the technical aspects that can help to face the main challenges in building cooperation and collaboration towards transboundary MSP.

Which are the objectives of this first technical workshop?

The main goal of the first workshop is to exchange information on the different governance systems and updates on the national planning processes, their legal and governance-related issues, and the strategies adopted (or foreseen) for national and cross-border consultation. This would allow to tackle eventual incompatibilities and potential barriers of planning and governance framework related to MSP in the Euro-Mediterranean Region. It is important to underline that this activity could be divided in two phases: a first step focused on comparing the different approaches in the plan drafting process, in order to understand pros and cons of each approach; and a second one focused on the implementation procedures, in order to compare the different implementation, evaluation and adaptation approaches.

The specific objectives of the workshop may include (but are not limited to):

- Reviewing sea-basin strategies/policies on MSP and regionally agreed principles/objectives and legal mandates, obligations and resulting priorities (e.g. with reference to the Barcelona Convention system and to the macro-regional strategies);
- Reviewing national official procedures of the Espoo Convention for consultation on SEAs for maritime spatial plans;
- Establishing common understanding of planning frameworks and definitions used in national planning documents; national legal provisions in the acknowledgement of the MSP directive in the National legal framework;
- Establishing common understanding of what is meant/implied by each term used in respective countries involved; planning instruments: definitions, terminology and contents;
- Targeting topics, questions or issues that need to be addressed through further technical exchanges between partners and competent authorities, within the MSPMED project or through any other cooperation processes;
- Others.

What should be addressed during this first technical workshop?

The main aspects that need to be tackled during the first workshop are related to issues of planning frameworks, including relevant legal mandates that shape planning approaches;

and issues related to plan content, such as uses in space in the different areas of jurisdiction. More topics that should be touched include the following (but are not limited to):

- Governance frameworks;
- Information about MSP processes in the Mediterranean Region (state-of-the-art and current implementation level);
- Planning frameworks and planning instruments structure content (typology, contents, spatial approach, scale);
- Legal considerations: environmental impacts, consultation procedures etc;
- Jurisdictions (territorial waters, contiguous zones, EEZ, continental shelf);
- Strategic Environmental Assessment (SEA) procedures;
- Institutional stakeholder engagement procedures;
- Others.

2. Participants

MSP-MED Partners	
<i>CORILA</i>	<i>Pierpaolo Campostrini, Barbara Giuponi, Andrea Barbanti, Giulio Farella, Agnese Cosulich, Francesco Musco, Niccolò Bassan, Alberto Innocenti, Daniele Brigolin, Elena Gissi, Martina Bocci</i>
<i>PA</i>	<i>Michelle Borg, Alexia Vella, Ivan Fava, Wendy Jo Mifsud, Jonathan Caruana</i>
<i>Shom</i>	<i>Laura Cotte, Dominique Carval, Corine Lochet</i>
<i>OFB</i>	<i>Neil Alloncle</i>
<i>RRC Koper</i>	<i>Slavko Mezek</i>
<i>UTH</i>	<i>Harry Cocossis, Evangelos Asprogerakas</i>
<i>YPEN</i>	<i>Foteini Stefani, Elena Lalou, Evgenia Lagiyou</i>
<i>IEO</i>	<i>Maria Gomez Ballestreros, Monica Campillos</i>
MSP Competent Authorities	
<i>Ministry of Transports and Infrastructures (Italy)</i>	<i>Mauro Coletta, Emanuela Varone, Giuseppe Strano</i>
<i>Ministry of Ecological and Solidary Transition (France)</i>	<i>Julia Jordan</i>
<i>MSP Technical Committee (Malta)</i>	<i>Joe Bianco, Albert Caruana, Charles Galea</i>
<i>Ministry of Environment and Energy (Greece)</i>	<i>Foteini Stefani, Elena Lalou, Evgenia Lagiyou</i>
<i>Ministry for the Ecological Transition and the Demographic Challenge – DG</i>	<i>Sagrario Arrieta Algarra</i>

<i>for the coasts and the sea (Spain)</i>	
<i>Shipping Deputy Ministry (Cyprus)</i>	<i>Kyriakos Aliouris, Nicolas Ioannou</i>
Other Institutions	
<i>European Commission – DG MARE</i>	<i>David Sanmiguel-Esteban, Kristel Jurado, Juan Ronco, Anja Detant</i>
<i>MSP Platform</i>	<i>Chris McDougall, Thanos Smanis, Stella Kyvelou, Yves Henocque, Clement Dupont, Emilie Riclet</i>
<i>Pap-Rac</i>	<i>Marina Markovic</i>
<i>Unesco-loc</i>	<i>Alejandro Iglesias-Campos</i>
<i>US (Spain)</i>	<i>Juan Luis Suarez de Vivero</i>
<i>Azti (Spain)</i>	<i>Ibon Garsparsolo</i>
<i>WestMED Hub (Italy)</i>	<i>Leonardo Manzari (Italy), Frederick Herpers (France), Marta Pascual (Spain)</i>

3. Main topics identified

The following main topics were identified through a short survey circulated to all MSP-MED partners, in order to identify the priorities and needs concerning governance and administrative frameworks. Some questions were also provided in order to drive and facilitate the interventions of each participant and focus the discussion. The speakers (one per country) introduced the topics with respect to their national MSP process.

Planning frameworks and planning instruments structure of each country (typology, contents, spatial approach, scale)

- At what spatial scale and management level will the plan be elaborated and implemented (respectively, national or regional scale, and strategic and operational levels)?
- What is the main issue you perceive of the topic and which best practice to overcome the identified issue do you suggest?

Governance frameworks of each country

- How is governance organised concerning the plan elaboration and implementation (who is involved, how and when, through which mechanisms)?
- How is the plan formulation process supported to cover all aspects of the MSP plan? For instance, in terms of maritime sectors, LSI and Climate Change consideration, EBA

and stakeholder involvement (operational setup, governance mechanisms at all administrative levels)

- What is the main issue you perceive of the topic and which best practice to overcome the identified issue do you suggest?
- Is multi-level governance relevant for MSP in your country? Do you have issues or experiences to share?

Strategic Environmental Assessment (SEA) procedures of each country

- How is SEA concretely carried out (who, when, through what process, responsible authorities)?
- What are the mechanisms envisaged to effectively integrate the SEA process within the plan elaboration process? What is the main issue related to SEA efficiency?
- Are transboundary consultations envisaged? If so, what are the transboundary environmental consultation procedures?

4. The Workshop

More than 60 participants attended the workshop showing the general interest in the topic among Mediterranean countries and institutes. The first part of the event was dedicated to the introduction of the project and the identified topics. Some brief interventions were made from the EC, UNESCO-IOC, the MSPlatform and PAP-RAC contextualizing the work done or on-going on the identified topics. These first interventions underlined the fact that governance is a very broad, diverse and complex topic to be tackled, besides being a crosscutting theme which has repercussions on the main aspects of the MSP process. Nevertheless, the topic was considered very important and timely: specifically considering governance issues and how the process is organized to prepare the plan/s, what institutional approaches are being adopted and finally how to implement and monitor the plan/s. This will help countries in organizing their plans, in better understanding and learning from each other even if administrative frameworks are really different. This could boost and facilitate fine-tuning and coordination among countries. One of the main obstacles indicated in the first interventions was to try to speak the same language, considering also to create a kind of common glossary. It was also underlined how this process is connected to activities of the different countries and the general European framework as a whole. Some examples of initiative considering “*Governance and administrative frameworks on implementation*” have been shown such as the UNESCO-IOC MSP Global Initiative in which the development of international accepted guidance for MSP implementation is being prepared together with training, workshops and the pilot case on the Western Mediterranean. This work is already showing the need for sharing MSP relevant knowledge and data and information at sub-regional and subnational scales. The MSP guidance provided from IOC suggested also the use of EBA in order to ensure that sustainability is reached in view also

of the future intensification and diversification of activities. On the other hand, PAP-RAC underlined its role in the Mediterranean Sea particularly within the Barcelona Convention. Indeed, in the structure of the Barcelona Convention and particularly the ICZM protocol which is seen as instrumental for MSP deployment in the Mediterranean through the ICZM process, and the EU MSP Directive which calls for transboundary co-operation for MSP between EU MS and third countries. Together they are complementary to each other in favour of transboundary cooperation. Besides this the framework of Regional Sea Convention can facilitate this coordination. PAP-RAC also has been working at different scales, from strategic level (conceptual framework for MSP in the Mediterranean), to a more operative level supporting contracting parties on specific tasks.



4.1 Planning frameworks and planning instruments structure of each country (typology, contents, spatial approach, scale)

Italy

The overall picture of competences and responsibilities in Italy on marine and maritime issues is rather complex and somewhat fragmented. Territorial waters (up to 12 nm) are managed at

the state level, while planning and management in coastal and internal waters (within the baseline) is divided between the state, the regions, the provinces and even the municipalities, which have some specific sectoral competences (e.g. issuing of licences and concessions). The EU MSP Directive was transposed in Italian legislation with the Legislative Decree 17 October 2016, n. 201. According to art. 8, functions of MSP Competent Authority are in charge of the Ministry of Infrastructure and Transport. Article 6 establishes an Inter-Ministerial Coordination Table, chaired by a representative of the Presidency of the Council of Ministries (Department for European Policies) and participated by almost all the other ministries. The Inter-Ministerial Coordination Table for Maritime Spatial Planning completed the Guidelines containing indications and criteria for the preparation of maritime spatial management plans (Decree of the Presidency of Council of Ministries, December 1st 2017, published in the Gazzetta Ufficiale on January 24th 2018, n. 19). The Guidelines include the identification of the marine areas to be considered for the preparation of maritime plans and the definition of the areas relevant in terms of land-sea interactions. Three marine areas are identified, coherently with the definition of marine sub-regions under the Marine Strategy Framework Directive (2008/56/EU): the Western Mediterranean Sea, the Adriatic Sea, the Ionian Sea and the Central Mediterranean sea. The Guidelines also provide indication about the expected geographical scope of the maritime plans. They will include the marine areas up to the limit of the national jurisdiction and the coastal and transitional waters, if not considered already under urban or rural plans. The marine sub-regions identified have been divided in additional sub-areas reflecting mainly regional, morphological and management subdivisions and each sub-area will be then sub-divided in further planning units.

Besides the overall fragmentation of competencies and responsibilities, a relevant issue is the connection and integration of MSP with land planning frameworks. In this context land-sea interactions analysis and comprehension can be beneficial and essential for a correct implementation of MSP.

1 Planning Frameworks and planning Instruments structure of each country

ITALY

In Italy PLANS are REGION based, even if the MSP is coordinated on a NATIONAL LEVEL.

Official document: Decree n.201/2016

3 PLANS have been developed:
Adriatic,
Ionian-Central Med,
Tyrrhenian-Western Med.

This show how much the geographical, sub regional feature is relevant.

Furthermore these plans are subdivided in planning units!



Greece

The 2018 Law for MSP transposed the 2014 Directive in the Greek legislation. The aim is to achieve an integrated policy framework and sustainable blue growth with emphasis on the unique Greek characteristics such as insularity (a very large number of islands spread over two thirds of the Greek territory), a very long coastline (over 16000 km) and the extended coastal area as well as the special oceanographic conditions of a semi-enclosed sea (part of East Med). Only one out of 13 regions in Greece is not coastal or insular and a large proportion of population lives in coastal areas while at sea numerous maritime activities are combined.

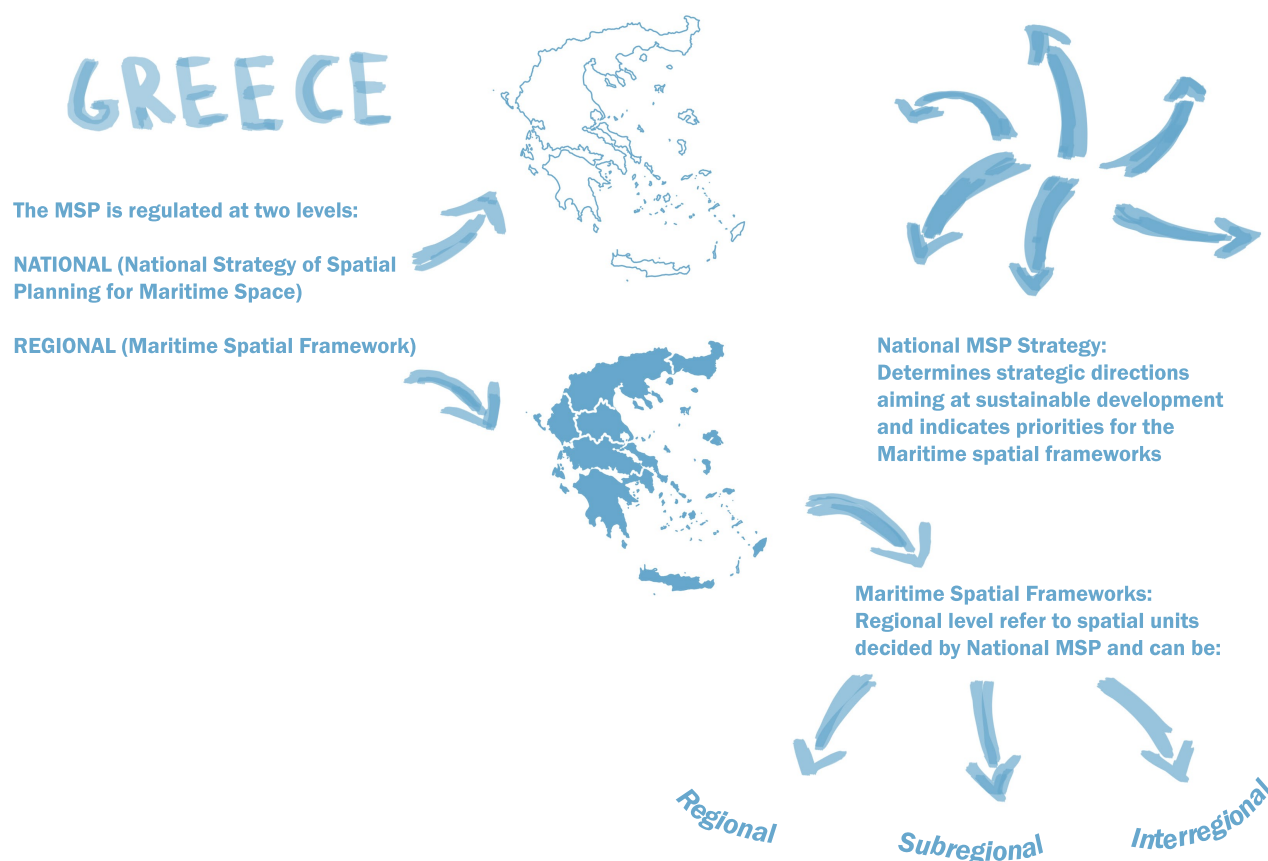
The Key step forward is to ensure the connection between the existing spatial planning system and maritime spatial planning.

According to the Greek spatial planning system there is a distinction between spatial planning (strategic) and urban planning (regulatory). National Strategy for Spatial Planning is a text of principles and includes basic directions of spatial organization, the main axes, the medium and long-term goals of spatial development as well as the proposed measures and actions for the implementation of development actions. The National Spatial Strategy is the basis for the coordination of the strategic spatial planning Frameworks. Under this strategy, the spatial

planning system is organized at two levels: national and regional and the corresponding frameworks are the national spatial frameworks and the regional spatial frameworks.

The National Strategy of Spatial Planning for Maritime Space is a distinct part of the National Strategy of Spatial Planning. More specific, the National Strategy of Spatial Planning for maritime space determines the strategic directions aiming at sustainable development and indicates and justifies the priorities for the elaboration of Maritime Spatial Frameworks.

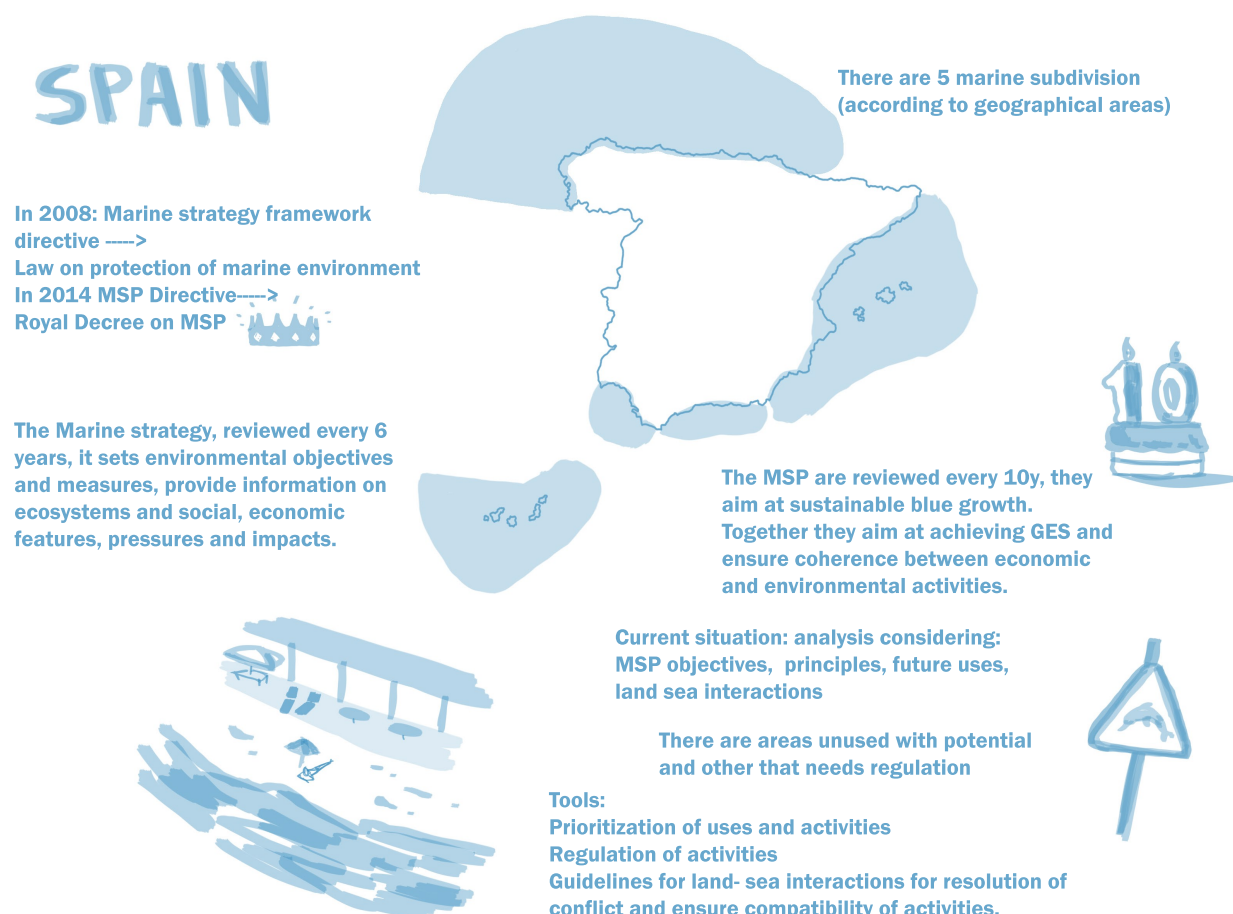
Especially for MSP the Maritime Spatial Frameworks refer to the regional level spatial units, which are to be determined by the National Maritime Spatial Strategy and can be regional, sub-regional, or interregional.



Spain

The MSP Directive has been transposed in the Spanish legislation through the Royal Decree on Maritime Spatial Planning (RD 363/2017, of 8 April). The General Directorate for the Sustainability of the Coast and the Sea, as the competent authority, will draw up a Plan for Maritime Spatial Planning for each of the Spanish subdivisions. In fact, a plan for each of the five Spanish marine demarcation will be developed (Northern Atlantic; Southern Atlantic; Canary basin; Strait and Alboran; Levantine and Balearic) and will be updated each 6 years and

the achievement of GES must be granted, streamlined with the marine strategies. The MSFD will provide information for the MSP process on the ecosystems and the socioeconomic background, including the relation between both pressures and impacts, as well as the economic cost of the degradation of natural resources and ecosystem services. The MSP Plan in fact will ensure coherence between economic activities and environmental objectives. For these reasons the legal framework for MSP in Spain is very close to the MSFD framework. The implementation of MSP will take into account present uses and activities of public interest, areas that are not used, areas with certain uses and activities prohibited. It will also incorporate MSP objectives, guiding principles, future uses and land-sea interactions. Future uses will be identified by the competent authorities as also areas with high potential of development. The currently available tools to support MSP implementation in Spain include: prioritization of uses and activities in some areas, regulations that could include prohibiting some uses and activities in some areas, guidelines to ensure compatibility and coexistence of activities, guidelines for the resolution of potential conflicts and guidelines for land-sea interactions.



France

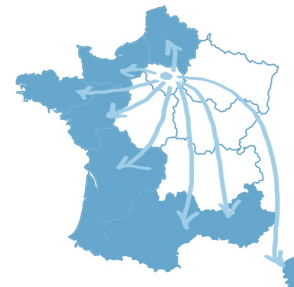
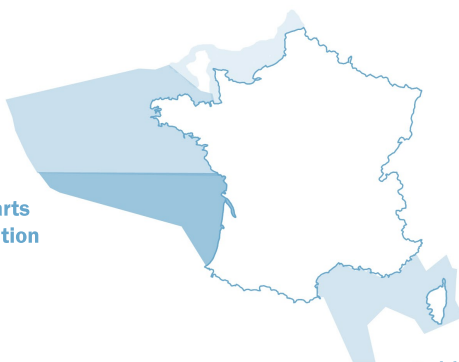
The Directive 2014/89/EU establishing a framework for maritime spatial planning has been

transposed in France through the Law 2016-1087 of 8 August 2016, on the restoration of nature and biodiversity (article 123) and the Decree 2017-724 of 3 May 2017 integrating the Maritime Spatial Planning and the Sea Action Plan in the Sea Basin Strategic Document. The competent authority has been identified as follows: one couple of terrestrial and maritime Prefects (called Coordinating Prefects) on the Mediterranean Sea basin at the scale of the sea basin and the Central Government coordinates the policies. The marine areas, for which maritime spatial plans should be defined, have been identified and correspond to the 4 French sea basins (Eastern channel and North Sea; Northern Atlantic; Southern Atlantic; Mediterranean Sea). The governance national framework for MSP can be described as follows: the implementation of the strategic documents is led by the coordinating prefects (maritime and region prefects); the Ministry in charge of maritime affairs has duties to look after coherence of strategic plans at national scale, consult national committee for sea and coastline which brings together stakeholder's national representatives, report strategic plans to European Commission; Coordinating prefects have duty to consult stakeholders at the sea basin scale, gathered in the Sea Basin Maritime Council. The Ministry in charge of the Sea and the Ministry of foreign affairs and coordinating prefects have duties to inform neighbouring countries and to look after coherence with their respective plans. France notified the adoption of the 4 sea-basin strategies to the European Commission in February 2020. These documents contain the two first parts of the French sea-basin strategy documents (French MSP plans called DSF): initial assessment, strategic objectives and MSP ("vocation maps" and fact sheets). An action plan and a monitoring process are currently under development.

The main issues perceived regard the first maritime spatial plan at large scale, the uniformity of the issues to identify areas (30 areas on the Mediterranean Sea basin vocation map), challenges in articulation between state and local authorities, coordination with land management and local regional plans, besides with the WFD (underlining also LSI) and local Urban plans.

FRANCE

The National level of coordination starts from the Ministry of Ecological transition that created an official document to regulates sea basins.



But the preparation and organization of plans is entitled to prefects of sea related regions



Main issues:
The MSP in the Med is the 1st on a macro scale.
It is therefore important to identify areas with uniformity of issues

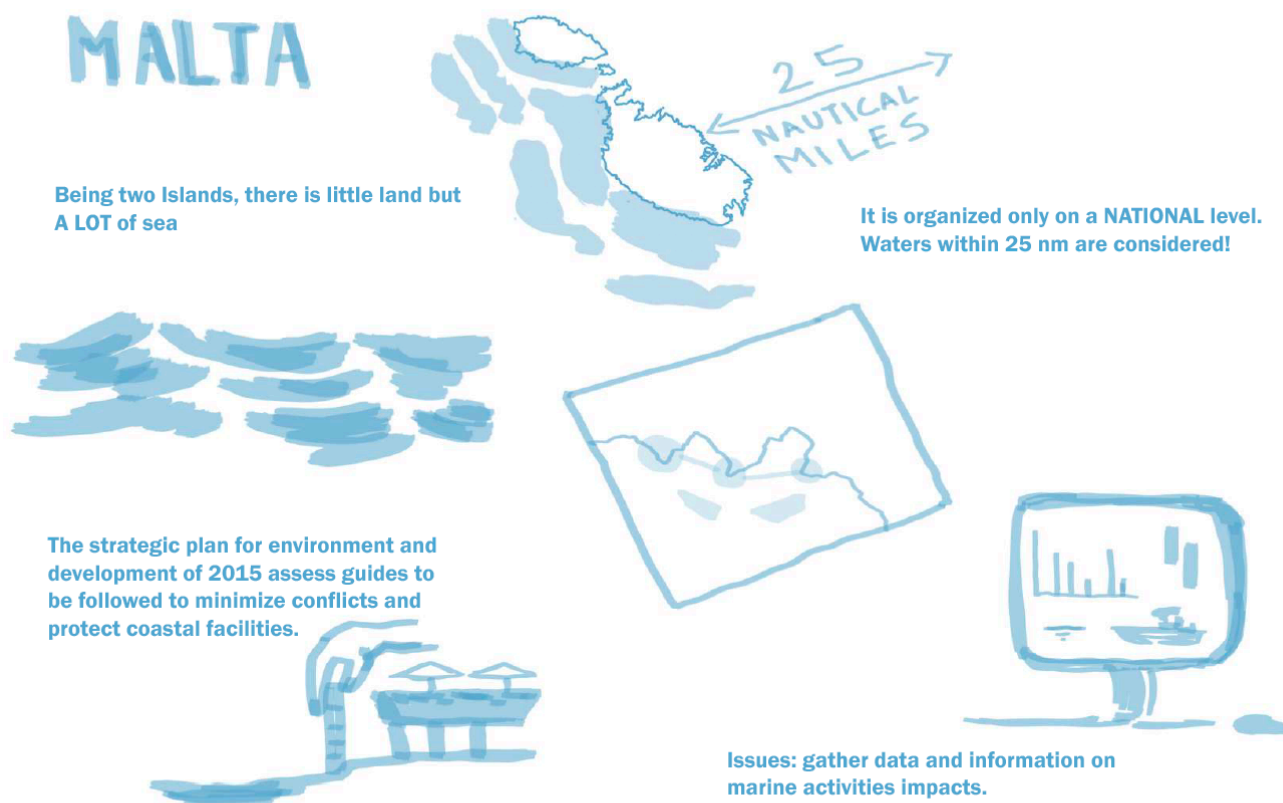
Consider the Land-Sea interaction (cannot be only sea based)

Implement Local and Urban plans.



Malta

The Directive 2014/89/EU establishing a framework for maritime spatial planning has been transposed through the Maritime Spatial Planning Regulations of 2016, under the provisions 6 of the Development Planning Act of 2016 (Cap. 552) and the Planning Authority was designated as the competent authority for MSP. The Strategic Plan for Environment and Development (SPED, 2015) is a national strategic document, that guides spatial aspects of Government sectoral policies, plans, programs. Planning is at national level and the SPED is intended to regulate the sustainable management of land and sea resources by encompassing economic social and environmental issues. For these reasons the SPED is the main document for MSP implementation in Malta. It does not cover all marine waters, but up to 25nm which is the limit of the Fisheries Management Conservation Zone. It is the primary document regulating decisions in planning including subsidiary plan making and decisions on development permits. Key MSP issue perceived during the SPED preparation included data and information on marine activities, and corresponding impacts and status of marine environment. The solution opted is an adaptive approach: SPED ensures that policy framework secures strong link with MSFD and WFD objectives, enabling synergies in the implementation phase (plan monitoring; subsidiary plan making and permit processing) through a precautionary approach.



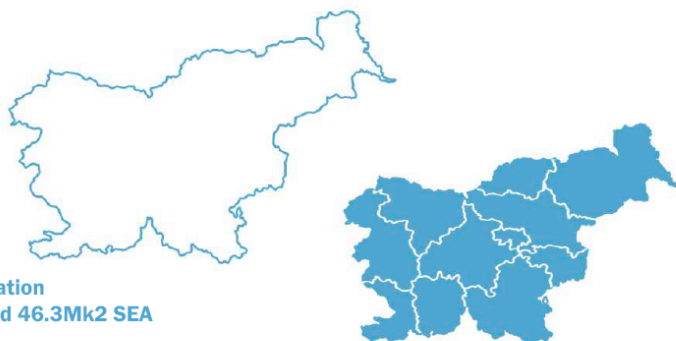
Slovenia

The legal basis for MSP implementation in Slovenia is the Spatial Planning Act adopted in 2017 (OG no. 61/17 – ZureP-2). The MSP plan will be prepared as the Action Programme for the implementation of the Slovenian Spatial Development Strategy at Sea as a strategic document, in fact a new Spatial Development Strategy of Slovenia at 2050 is being prepared. The plan will be very general but will define the general direction for spatial development in the next years. It will be a concrete maritime plan, setting goals and guidelines for all maritime activities/uses, spatially defined, at the sea and in the coastal zone. The most important activities that will be considered are: transport, fisheries, aquaculture, environmental protection, climate change, tourism and urban development. The main issue regards coordination/integration of plans on land and at sea. The solution could be the establishment of a management unit for the “coastal strip”. The MSP procedure will start with data and information collection, followed by a broad consultation with the most important sectors. A first draft of the MSP Plan will be publicly presented and discussed, and the various amendments and proposal will be integrated in the proposal. The final draft of the MSP Plan will be adopted by the government of Slovenia.

SLOVENIA

Official document:
Spatial Planning Act of 2017

It takes in consideration
166.9Km² LAND and 46.3Mk² SEA



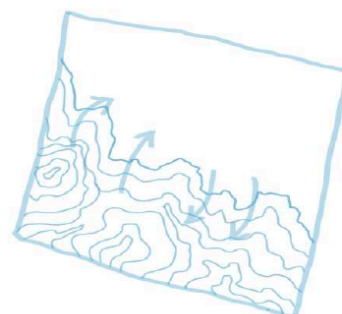
It will be elaborated on National and regional scale.



It will be a practical MSP that will define uses and guidelines



Main issues:
Coordination Land-sea
Establishment of a management unit, The Coastal Strip



Discussion

- Different approaches with some similarities
- Difficulties and differences between scales
- Connection points between MSP and MSFD
- The role of Barcelona convention and Regional Sea Strategies

MSP in the Mediterranean partner countries is quite diverse reflecting the different administrative systems and corresponding institutional frameworks that are influenced also by the respective geophysical context (territorial size; relative size of sea space to land and continental vs insular factors). All of these parameters influence the governance aspect for MSP and the approach taken to develop MSP plans. There are different realities with small islands having a corresponding significantly larger marine space to manage (MT), large countries addressing different marine regions and bordering with non-EU marine space (ES; FR; GR), others with a relatively small sea space (SL), and Italy with the largest coastline at the centre of the Mediterranean. Great diversity of planning in MSP in the MED not only contextual or from an institutional point of view (planning traditions) but also from the spatial diversity.

Two distinct approaches for MSP are recognised amongst the MSPMED partners. The first one concerns the relationship between marine and terrestrial (urban) spatial planning where MSP plans are either more linked with urban planning process and yet are stand-alone and distinct from urban plans, or the MSP plan is fully integrated with terrestrial spatial planning as one plan or within the same framework. In these cases the role of ICZM is tangibly visible. A second approach concerns the driving force guiding the MSP plan where in some countries the process for MSP plan formulation are strongly linked with the MSFD implementation process and therefore considered to be more conservation led, whilst in other countries the MSP plans are primarily driven by the concept of blue growth. Yet all these approaches are a representation of how the common objectives and requirements of the MSP Directive can still be achieved despite the diversity between Member States.

4.2 Governance frameworks of each country

Italy

In Italy the Inter-Ministerial Coordination Table (ICT), chaired by a representative of the Presidency of the Council of Ministries (Department for European Policies), prepared the National Guidelines, and created a Technical Committee (TC) and 3 Sub-Committees (SC) to build up Maritime Spatial Plans for Italy. The TC and the SC include 5 ministries, the maritime regions, observers, experts and are coordinated by the Competent Authority (CA). They will also prepare the Plans (3 Plans prepared in parallel for Adriatic, Ionian-Central Med, Tyrrhenian-Western Med) and supports the CA in monitoring Plans implementation. In this context the CA coordinates the TC, approves the Plans (after consulting the State-region Conference), collects and manages data for MSP, organises and manages stakeholder consultation, coordinates with other countries, interacts with the EC and monitors the Plans implementation with the support of the TC.

The National MSP Guidelines are the instrument with which Italy defines how to take into account all aspects of the MSP process, including maritime sectors, LSI, Climate Change, EBA and stakeholder involvement. The TC composition and the stakeholder engagement processes should ensure a smooth process of integration of these topics. This is now being operationalised in the ongoing process preparing the plans through a more detailed methodology and work plan.

The main issues perceived regarding governance structure in Italy can be ascribed to the need of better connection between political and technical/scientific level. To overcome this issue a constant daily work in operationalising the Institutional TC, create a Planning Team to organize and implement activities to prepare, monitor and adapt the plans are needed. Another aspect is the necessity of improving horizontal (i.e. with and among sectors) governance practices and mechanisms. In Italy the various institutions involved in the MSP implementation process are trying to cope and consider as much as possible multi-level governance principles and is currently a work in progress. The main key principles for a correct multi-level governance implementation are spatial subsidiarity where spatial challenges should be dealt with the lowest

most appropriate spatial level, and the integration and harmonization of sectoral plans and sectoral demands (horizontal and vertical coordination).

Greece

The National Maritime Spatial Strategy is prepared by the competent authority, the Ministry of Environment and Energy, in consultation with co-competent Ministries, the National Spatial Planning Council and discussed through public consultation procedures. It will be proposed by the Minister of Environment and Energy to the Council of Ministers and after their approval, the Act of National Maritime Spatial Strategy is announced officially to Parliament and is published in the Official Government Gazette.

The public consultation is seen as a fundamental step in the MSP process in Greece and 3 main bodies will take part in the process: the Ministries, civic society and the National Council for Spatial Planning which is a consultative body consisting of major sectoral stakeholders of key productive activities, members of the technical and economic chambers, and selected NGOs.

2 Governance Frameworks of each country

ITALY

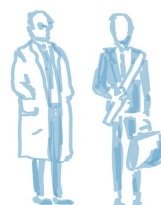
MINISTRY OF INFRASTRUCTURE AND TRANSPORTS



INTERMINISTERIAL COMMITTEE



TECHNICAL COMMITTEE+3 SUB COMMITTEES
(They prepare the plan)



Competent Authority consults the State-Regions conference and approves the plan and organize and coordinates the following phases e.g. (stakeholders consultation, monitoring...)

National MSP guidelines define how to take into account all aspects

Issues: Harmonization
Better connection political with scientific/technical
improve horizontal governance

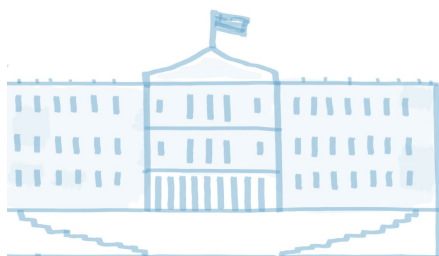
GREECE

First phase:

MINISTRY OF ENVIRONMENT AND ENERGY,
with the opinion of
co-competent ministries, regions
and National Spatial Planning Council
+
public consultation

Second Phase:

The Ministry makes a proposal to the Council of Ministers and after their approval, the Act of National Maritime Spatial Strategy is announced officially to Parliament



Spain

The MSP Directive has been transposed in the Spanish legislation through the Royal Decree on Maritime Spatial Planning (RD 363/2017, of 8 April). The General Directorate for the Sustainability of the Coast and the Sea, as the Competent Authority, will draw up a Plan for Maritime Spatial Planning for each of the Spanish subdivisions. A working group on MSP has been established and includes the Competent Authority together with 10 Ministries and the Autonomous Regions representatives. 5 different MSP plans will be proposed for each of the marine subdivisions in Spain and the consultation process will follow (negotiation, public participation, transboundary consultation, strategic environmental assessment). The Plans will be then approved through a specific Royal Decree.

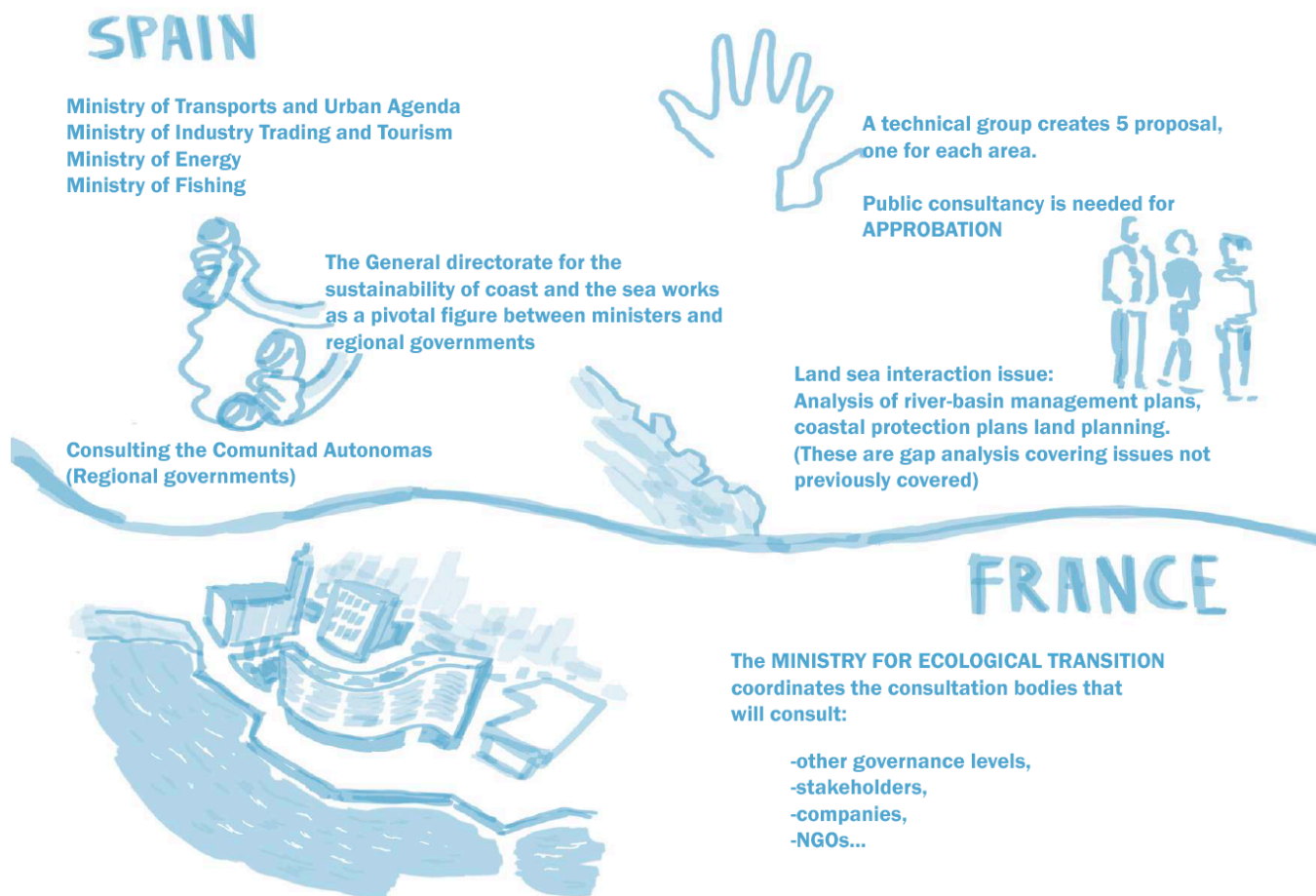
Regional Governments have different competences regarding the maritime space (article 148 of the Spanish Constitution) such as: environmental management and protection, aquaculture, fisheries in internal waters and shellfish harvesting, wastewaters discharges, tourism, leisure activities and marinas, some marine protected areas. Moreover 5 different committees of surveillance have been appointed, one for each maritime area.

In order to ensure the consistency and coordination of the Maritime Spatial Plans throughout the maritime region concerned, Spain will cooperate with EU Member States whose waters are contiguous to Spanish waters, through existing cooperation structures. Likewise, Spain shall cooperate with third countries, in compliance with the Law and International Conventions, through institutional cooperation or existing international forums.

One of main topics of discussion indicated was land-sea interactions and how to take them into account in the MSP process. The method is to identify “themes” of LSI, 7 themes are land to sea and 6 themes are sea to land. Analysis of the current planning instruments already addressing these issues: river-basin management plans, coastal protection plans and land planning instruments. The MSP plans will address only those plans that are not covered by other instruments.

France

In France consultation and stakeholder involvement is seen as a fundamental step in the MSP process. The National Council of sea and coast has the duty to involve all the relevant stakeholders at national level. For each sea basin, the sea-basin strategic document has been drafted in consultation with the maritime Sea-basin Council (consultation council) involving companies, trade unions, NGOs, sectors and regional local institutions. It is crucial to adapt and find the most appropriate scheme (and scale) for consultation. More effort should be given to connect science and policy making.



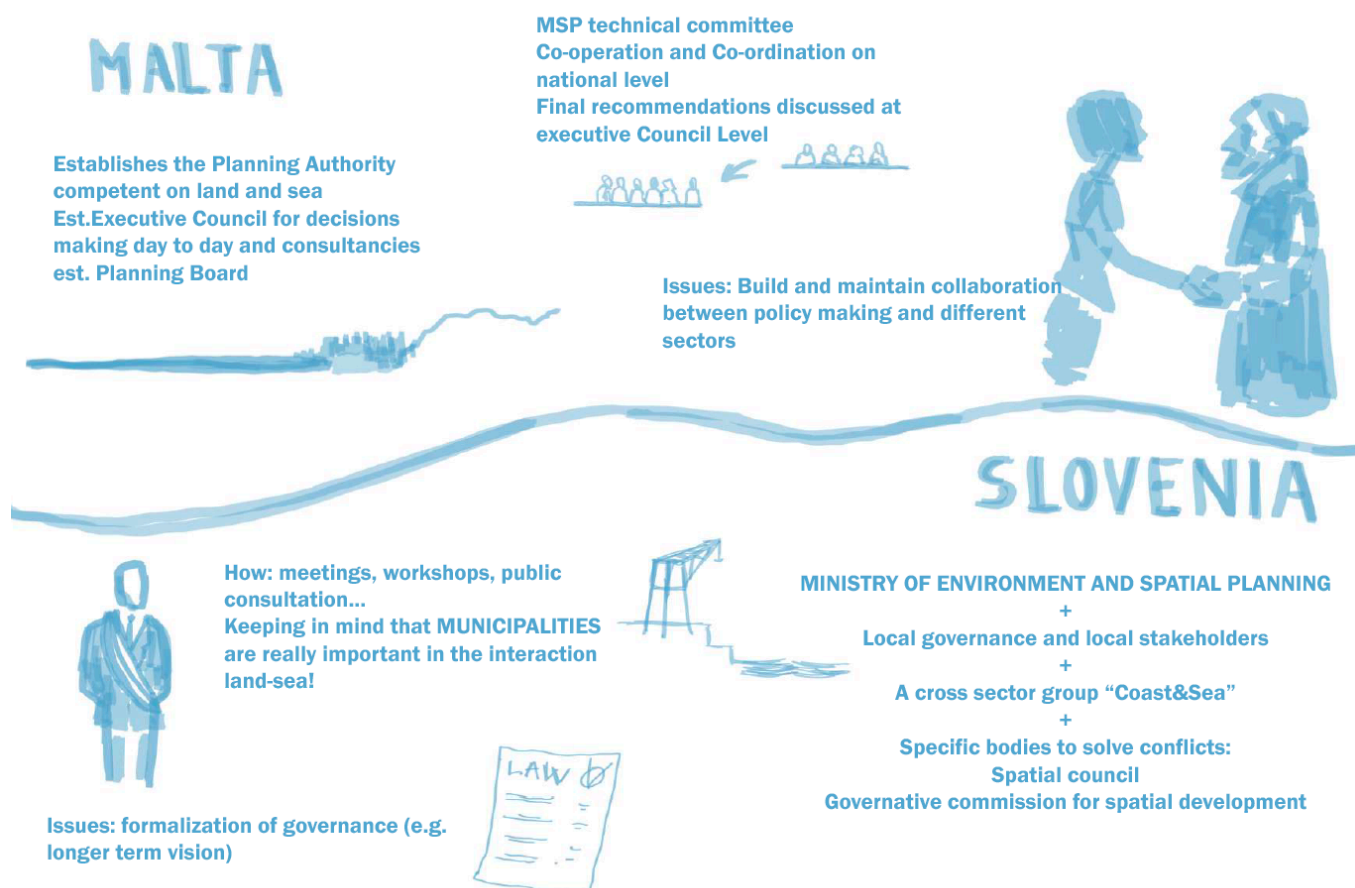
Malta

The Directive 2014/89/EU establishing a framework for maritime spatial planning has been transposed through the Maritime Spatial Planning Regulations of 2016 (MSPR, S.L.552.27), under the provisions of the Development Planning Act of 2016 (DPA, Cap. 552). The Planning Authority was designated as the Competent Authority for MSP. The Executive Council of the Planning Authority is responsible for plan making, policy formulation and overseeing compliance with decisions taken on development proposals that are approved by the Planning Board, for both land and sea. Since the PA's remit to control development is up to 12nm, a co-ordination framework was agreed to assist the Planning Authority. The MSP Technical Committee is tasked with enhancing national co-ordination and co-operation on matters linked to MSP, in support to the Competent Authority. It is chaired by the Planning Authority and its members include representatives from the Continental Shelf Department; the Superintendence for Cultural Heritage; the Fisheries & Aquaculture Directorate; Transport Malta; Malta Marittima Agency and the Environment & Resources Authority. The work program, proposals and recommendations prepared by the MSP TC require endorsement from the Executive Council which under the DPA provisions will call in the respective entities for specific Executive Council meetings that will discuss MSP.

The main key issue identified is to build and maintain synergy in policy making and implementation of different sectors/aspects. An annual work plan for the MSP TC linked to MSP implementation process agreed at Executive Council level is needed to ensure constant engagement of the MSP TC for demonstrable outcomes. In parallel the current process is also acting as an ongoing capacity building program for all entities.

Slovenia

Governance concerning the plan elaboration and implementation in Slovenia is not so complex and the MSP National authority is appointed in the Ministry of the Environment and Spatial Planning. The involved actors according to the law are sectors and ministries, public companies, local communities, economic actors and the general public. Forums for collaboration are not specifically elaborated, but recently it has been established a cross-sectoral group for “coast and sea”. Mandate of the group is to link all activities regarding planning (MSP) and the process of implementation, covers also other activities which are related for example in EUSAIR and ICZM. In case of non-compliance and/or conflicting interests is foreseen the participation of two bodies: spatial council and the governmental commission for spatial development. Mechanisms and tools in place for the procedures of stakeholder involvement are meetings, workshops and public consultation events. The plan formulation will try to cover all the aspects of the MSP plan by involving coastal municipalities for Land-Sea interactions analysis in short-term and in long-term create an ad hoc organization. Also sectors dealing with climate change (CC) will be involved for climate change issues. The main issue perceived of the topic is the formalisation of governance mechanism (broader ownership of the process, long-term orientation).



Discussion

- Consultation procedures
- Regional sea convention acting as a coordinating body
- Similarities/differences in scales and approaches

Multilevel governance and ownership are crucial. Ownership improvement is necessary to take into account concretely local communities and sea economy sectors' demands. From the different experiences combining formal and informal tools is fundamental. Two examples of actions that can facilitate the broadening of the ownership at local council level (empowering): the release of a marine planning guide for local councils (what is MSP, what is the process and how they can use it, and what is the link with land planning), the setting up of coastal codes of conduct or coastal charters signed by the local councils and the different administrations in charge of the MSP process.

MSPglobal, for example, organized several MSPforums for experts of different countries to share experiences and knowledge. Nowadays due to the COVID-19 situation, all our events are taking place online. For more info please visit: <http://www.mspglobal2030.org/es/eventos/>

In terms of cross-border exchanges, cooperation between administration or technical bodies is important but we also need to foster exchanges between stakeholders across the border.

The European MSP Platform is also working with EU Member States to facilitate contacts among experts on specific issues.

A crossborder stakeholder workshop between France and Spain was held during the previous MSP project in the Atlantic SIMNORAT. It was very fruitful for stakeholders attending to raise their awareness on MSP objectives and on national processes structuring. Moreover, it enables administrations to capture the main expectations and criticalities raised from stakeholders. Also, in another crossborder stakeholder workshop between Portugal and Spain, also held during the SIMNORAT project, stakeholders proposed and asked for a transboundary committee for special issues such as conservation or crossborder MPAs. In relation to this, MSPglobal and IOC together with beneficiary countries (PT, ES, FR, IT, MT, MR, MA, DZ, TN, LY) and in collaboration with the WestMED Initiative led by MARE (Current Co-Presidency Italy-Morocco) agreed in February to organise cross-border and transboundary stakeholders workshops in WestMED, also involving North African countries. We don't know at this stage when we will be able to organise these face-to-face events but we will continue our discussions with beneficiary countries.

In the framework of the MSP-MED project, a set of workshops (bilateral and pan-Mediterranean) will be organized in order to involve also the relevant stakeholders and institutions in the process, harmonize different approaches. Expectations mentioned above should be addressed during these events. More info will follow in the next period.

4.3 Strategic Environmental Assessment (SEA) procedures of each country

Italy

As written in the forward of the MSP Directive: "Directive 2001/42/EC of the European Parliament and of the Council establishes environmental assessment as an important tool for integrating environmental considerations into the preparation and adoption of plans and programmes." For such SEA should be seen as a tool, not an aim. According to the indications of the Ministry of Environment each plan (one for each maritime area) in Italy will have its own SEA process. The SEA process will take place jointly with the stakeholder engagement process for the preparation of the plans: the two processes will be embedded one in the other and they will feed one the other.

Previous experiences of transnational SEAs will be capitalized in terms of approach and methods. The Italian national SEA process has not started yet but it is expected to start soon.

Greece

SEA procedures in Greece are regulated by the SEA joint ministerial decision of 2006. The competent authority for examination of SEA procedures is the Directorate of Environmental Licensing, Directorate-General for Environmental Policy, Ministry of Environment and Energy. The main scope of the Strategic Environmental Assessment Study is the promotion of

sustainability by high-level environmental protection and the integration of environmental issues into the preparation and adoption of plans. The contents include the description of the plan, the environmental conditions, description of reasonable alternatives, identification, description and assessment of impacts and the proposal of measures for reducing the negative environmental impacts. The relevant regional council undertakes the consultation of the SEA information and comments as transmitted by the competent authorities.

3 Strategic Environmental Assessment (SEA) procedures in each country

ITALY

It has not started yet but is expected to begin soon. But accordingly to the Indications of the Ministry of Environment each plan will have its own SEA process.

SEA is a tool, not an aim...
...and previous experiences of transnational SEAs will be taken into account.



National MSP guidelines will define how to take into account all aspects.

GREECE



Competent Authority for examination:

Directorate of environmental Licensing
Directorate-General for Environmental
Ministry of Environment and Energy

Scope of the SEA

- Promote sustainability
- Integrate environmental issues in MSP

- Description of plan
- Environmental conditions
- Description of reasonable alternatives
- Identification, description and
- Assessment of impacts
- Proposal of measures for reducing the negative environmental impacts



Spain

The SEA process started in the beginning of 2020, a scoping document and a draft MSP for consultation were launched. The aim is to do a first consultation, an initial roundtable with administration and interested stakeholders to understand needs and aspirations for the plan. The consultation was foreseen to be finalized in March but for sanitary reasons the deadlines were suspended. The relevant comments and observations will be then analysed. The intention of this first consultation is that the environmental authority will provide a scoping document (guideline) to establish which are the contents and main issues and level of detail of the SEA. This draft doc will be the guiding document for the rest of the process. Two alternatives of the consultation (no MSPplan and an MSPplan). One of the requirements of the environmental

authority can be to establish more alternatives to be more realistic (scenarios). Transboundary consultation to neighbouring countries, which have been delayed, were also launched. This initial consultation is very simple (as a call of interest). The real transboundary consultation will take place in the coming months. Technical development of the plan and for the SEA documents including stakeholder participation workshops etc. will be in the beginning of 2021. This is in order to launch the formal consultation of the formal doc (MSP and SEA) and will include transboundary consultation and considering to have specific meeting with neighbouring countries.

France

It has been decided to perform an integrated approach, for instance with a joint implementation of the MFSD and MSP directives. This enables to have an important environmental component in the French MSP day-to-day process. A conventional SEA process of the strategic part of the plans has also been performed by the Environmental Authority in 2019, with the help of a group of consultants. This group was the same for all the sea basins, with a national steering committee.

Challenges concern the timing, the lack of knowledge on some subjects, and the need to know the concrete activities' impact on environment.

SPAIN



It started in 2020.
It is in stand by, due to covid-19.

Public consultation —> 2 documents
MSP drafts + initial strategic document with SEA.

For the moment the alternatives are only 2:
there is a plan or there is not a plan
but there will likely be more as well as
transboundary collaborations.



There are important environmental
components but is difficult to implement
them while writing the plan because of timing
and lack of knowledge on the subject.

FRANCE

At this day the classical strategic
environmental assessment is used.



Malta

Strategic Environmental Assessments are regulated in Malta through the SEA Regulations (S.L.549.61). The administrative roles for the implementation of SEAs in Malta are divided as follows: the Competent Authority is the SEA Focal Point, which includes a Chairperson and two other members, under the Ministry for Environment, Climate Change and Planning); the Environment and Resources Authority, Regulator for Energy and Water Services and regulators for Agriculture, Fisheries and Health and any other relevant authority are assigned the role of Designated Authorities and have to be consulted at different stages of the SEA (screening, scoping and Environment Report review). The plan making authority is assigned the role of the Responsible Authority and is responsible to see SEA process is carried out for the particular plan. In the case of MSP, the Planning Authority will be the Responsible Authority. The procedure follows SEA Directive, including consultations. For the exiting SPED efforts were made to integrate the SEA process as part of the plan making process through an iterative approach, working with most up-to-date available data at the time and engaging environmental authorities as early as possible.

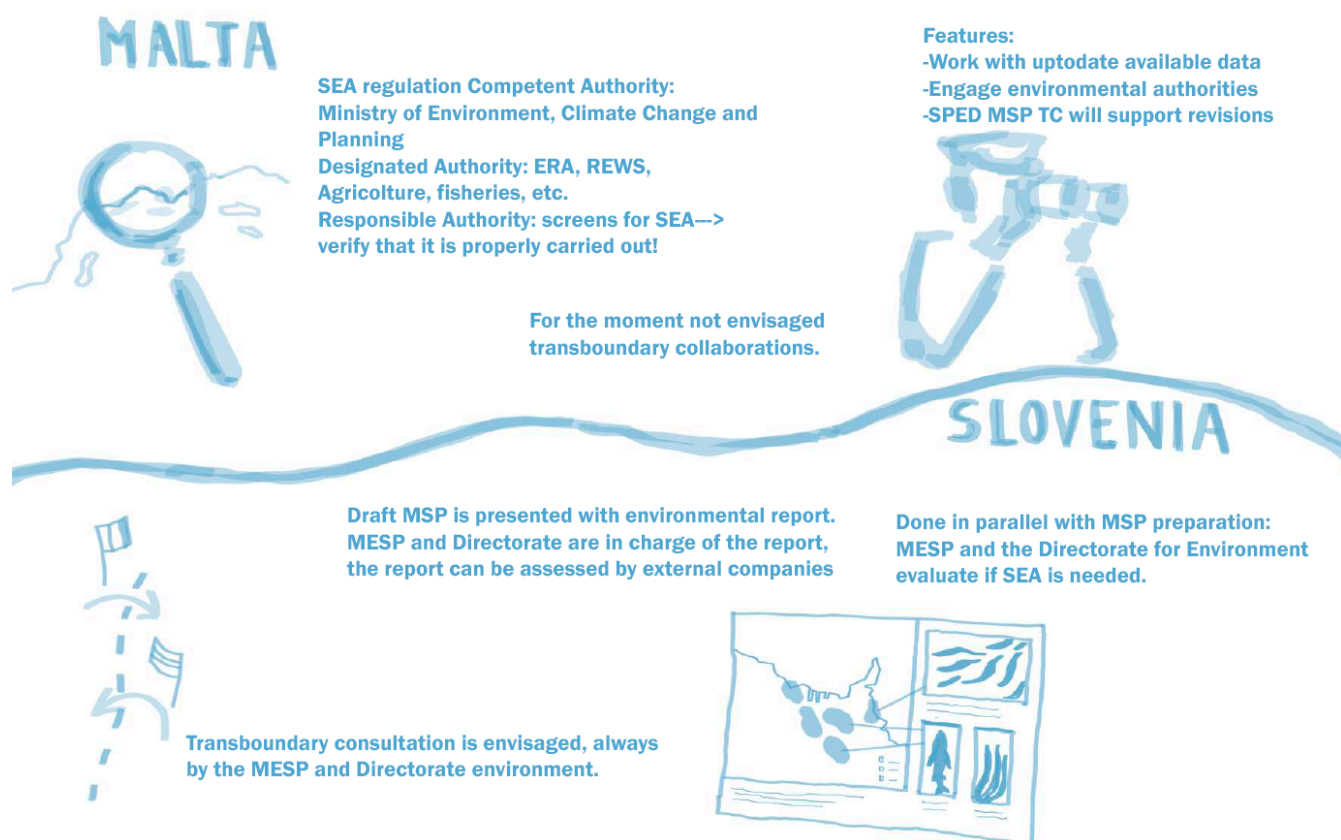
For future revisions of SPED, the MSP TC work will support process further. The SEA for the current SPED did not identify transboundary issues are concerned with the SPED since most of the policy framework strategic and majority of marine activities are within 12nm and linked to

coastal/terrestrial use. Co-operating with neighbouring countries via projects and RSC has increased understanding of potential transboundary issues. In the eventual review of the SPED, the SEA process will be triggered again and should any transboundary issues be identified then the procedures set out in the legislation would need to be followed with the guidance of the SEA Focal Point.

Slovenia

Concerning the procedures, the MSP preparation and SEA process run in parallel in order to integrate the two processes. The MESP/Directorate Environment decides if SEA is needed. Draft MSP is publicly presented together with Environmental Report. MESP/Directorate for SP: prepares ER (external company). MESP/Directorate Environment/Sector SEA in charge for the process SEA.

Transboundary consultations are envisaged and the MESP/Directorate Environment/Sector SEA (with Ministry for FA) – informs neighbouring countries about the draft MSP. Transboundary environmental consultation procedures still not defined in detail.



Discussion

- SEA for MSP and MSFD (easier or not?)
- Joint SEA for the Med (transboundary SEA)

Cross-cutting approaches, planning framework aligned with scales and authorities, diversity and variety of approaches in the Mediterranean were raised as important topics.

Horizontal and vertical integration could be achieved: LSI was considered as a fundamental topic as well as understanding how transnational involvement could be done, based on ongoing regional activities. Many initiatives are currently in place considering this point (UNESCO-IOC, MSP Platform, WESTMED, MSP-MED, Barcelona Convention).

Discussion showed that SEA process is framed by EU legislation in each country (iterative and participatory process, looking for alternative solutions too). Surprisingly, lack of knowledge and complexity were not pointed out by speakers. At this time, national planning processes are maybe at a too early stage to get a feedback on the concrete contribution of the SEA process towards sustainable MSP plans.

Speakers

Francesco Musco
Foteini Stefani
Sagrario Arrieta Algarra
Julia Jordan
Ivan Fava
Slavko Mezek
Andrea Barbanti
Alexa Vella
Pierpaolo Campostrini
Harry Coccossis

Moderators

Niccolò Bassan
Michelle Borg
Neil Alloncle

This workshop took place during the lockdown caused by the spread of Covid-19, it looked therefore, much like this but more than 60 people attended it!

Minutes by Folco Soffietti

PROJECT PARTNERS



5. References

- CEMAT, 2007, Spatial development glossary, European Conference of Ministers responsible for Regional/Spatial Planning (CEMAT), Council of Europe, Territory and landscape no. 2, available at <http://www.ectp-ceu.eu/index.php/en/publications-8/cemat-glossary> (accessed at 24/04/2020)
- CEMAT, 2006. Resolution No. 2 on Territorial governance: empowerment through enhanced co-ordination, 14th European Conference of Ministers responsible for Regional/Spatial Planning (CEMAT) on “Networks for sustainable spatial development of the European continent: bridges over Europe”, Lisbon, Portugal: 26-27 October 2006 Available at: <https://rm.coe.int/14th-european-conference-of-ministers-responsible-for-regional-spatial/168076ccdf> (accessed at 24/04/2020)
- Kraan M, Hendriksen A, Van Hoof L, Van Leeuwen J, Jouanneau C (2014) How to dance? The tango of stakeholder involvement in marine governance research. *Mar Policy* 50: 347–352.
- Van Tatenhove JPM (2011) Integrated marine governance: questions of legitimacy. *MAST* 10: 87–113.
- Waldmann C, Schultz-Zehden A, J Ansong J, Jay S, Jones H (2018). Cross-border Consultation on Maritime Spatial Plans, Final Technical Study, European MSP Platform under the Assistance Mechanism for the Implementation of Maritime Spatial Planning.